

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

REAL CHANGE, a Washington non-profit
corporation; SHARE, a Washington
non-profit corporation; WHEEL, an
unincorporated association;
NICKELSVILLE, an unincorporated
association; TIM HARRIS, an
individual; JARVIS CAPUCION, an
individual; and TRACEY DEGARMO, an
individual;

Plaintiffs,

v.

THE CITY OF SEATTLE and SEATTLE
PARKS AND RECREATION, a Washington
Municipal corporation;
CHRISTOPHER WILLIAMS, in his
individual and official capacity;
and, JEFF HODGES, in his individual
and official capacity;

Defendants.

No. 2:12-cv-681

DECLARATION OF
NATHAN SUGG

I, Nathan Sugg, under penalty of perjury, declare as follows:

- 1 1. I worked closely with Julie Chang Schulman and Hip Hop Occupies when they
2 (“HHO”) submitted an application for a permit for an event entitled Rise and
3 Decolonize on October 24, 2011.
- 4 2. The event was to be held on November 18, 2011.
- 5 3. No response was received from the Parks Department until November 10, 2011, over
6 two weeks after submission of the permit.
- 7 4. On that day, November 10, 2011, Defendant Jeff Hodges informed Schulman by
8 telephone that amplified sound would only be allowed from 3 p.m. until 6 p.m. due to
9 “seasonal interpretations.”
- 10 5. “Seasonal interpretations” was interpreted to mean that stricter sound requirements were
11 being required because it was winter and dark at 6 p.m.
- 12 6. Schulman and HHO mobilized the community to contact the Parks Department in an
13 effort to convince the city to allow the event until 10 p.m. as requested.
- 14 7. After receiving dozens of phone calls and emails from concerned community members
15 the City reversed course.
- 16 8. Defendant Hodges contacted other permit applicants that had sent in letters of support
17 indicating that they had not been subjected to a 6 p.m. winter cutoff.
- 18 9. Defendants then required Julie Schulman to attend a meeting with community interests
19 or face denial of the permit.
- 20 10. Defendants asserted it was within their discretion to require these meetings of all
21 applicants even if no meetings had ever been required before.
- 22 11. Defendants at that time had no published policy describing when these meetings will be
23 required.
24

1 12. Defendants required Schulman to make oral promises to community members at the
2 meeting before the permit would be granted.

3 13. Julie Schulman and HHO considered cancelling their event due to the additional
4 requirements placed on them by the City of Seattle.

5 14. After Schulman complied with all additional barriers erected by the City to receive her
6 permit, organized a community campaign event, initiated an internal appeal highlighting
7 the discretionary and arbitrary nature of the decision and threatening litigation, the
8 Parks Department made a slight concession of allowing amplified sound until 8:30 p.m.
9 but not the 10 p.m. park closure and city sound ordinance commencement time.

10 15. It is still unclear what government interest prevented granting a permit until 10 p.m.
11 requiring compliance with all other ordinances.

12
13 I declare under penalty of perjury that the foregoing is true and correct to the best of my
14 knowledge, information and belief.

15
16 Signed this 18th day of April, 2012 at Seattle, WA.

17
18 /S/Nathan Sugg
19 Nathan Sugg, Declarant